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Docket No.: 257370US28

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COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/608,747

Applicants: NADER VIJEH, ET AL.

Filing Date: June 30, 2000

For: GUARANTEED QUALITY OF SERVICE IN AN  
ASYNCHRONOUS METRO PACKET TRANSPORT  
RING

Group Art Unit: 2661

Examiner: PHAN, T. H.

SIR:

Attached hereto for filing are the following papers:

**PETITION TO REVIVE UNDER 37 C.F.R. 1.137 (b)  
TERMINAL DISCLAIMER**

**APPOINTMENT OF POWER OF ATTORNEY AND CERTIFICATION UNDER 37 C.F.R.**

**3.73(b)**

Our credit card payment form in the amount of \$1,480.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



James J. Kulbaski  
Registration No. 34,648

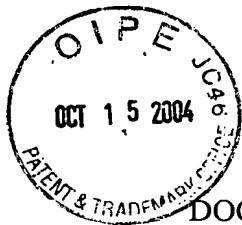
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DOCKET NO: 257370US28

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

:

NADER VIJEH, ET AL.

: EXAMINER: PHAN, T. H.

SERIAL NO: 09/608,747

:

FILED: JUNE 30, 2000

: GROUP ART UNIT: 2661

FOR: GUARANTEED QUALITY OF  
SERVICE IN AN ASYNCHRONOUS  
METRO PACKET TRANSPORT RING

:

PEITITION TO REVIVE UNDER 37 C.F.R. 1.137(b)

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the Notice of Abandonment dated June 30, 2004, Applicants hereby request withdrawal of said abandonment.

Applicants purchased the above-identified patent application, along with other intellectual property, from the prior assignee via an Acquisition Agreement signed on May 14, 2004. The six month anniversary of the last Official Action issued in this application was June 4, 2004. However, the files for the above-identified patent application were not transferred from the prior assignee's attorneys until August 10, 2004. Unexpected by Applicants, the Notice of Abandonment dated June 30, 2004 was included in these transferred files. Not included in these transferred files was an assignment that assigned the ownership rights of this application from the prior assignee to Applicants.

To correct this situation, Applicants obtained and filed a Certificate of Assignment on September 28, 2004. With the Certificate of Assignment now on file, Applicants hereby

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Application No. 09/608,747  
Reply to Notice of Abandonment of June 30, 2004

petition to revive said application as Applicants, the rightful owner of said application, had no intention to allow said application to become abandoned as Applicants' purchased said application for consideration. Applicants also file a terminal disclaimer herewith disclaiming any term equivalent to the period of abandonment of said application.

It is believed that the above discussion and documents enclosed herewith clearly prove that the abandonment of this application was unintentional.

Accordingly, it is requested the holding of abandonment be withdrawn and that prosecution be allowed to continue in the present application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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